

By: Guillen

H.B. No. 2719

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the collection of information concerning the number of  
3 inmates and prisoners who have been in the conservatorship of a  
4 state agency responsible for providing child protective services.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter A, Chapter 501, Government Code, is  
7 amended by adding Section 501.023 to read as follows:

8 Sec. 501.023. INFORMATION CONCERNING FOSTER CARE HISTORY.

9 (a) The department, during the diagnostic process, shall assess  
10 each inmate with respect to whether the inmate has at any time been  
11 in the conservatorship of a state agency responsible for providing  
12 child protective services.

13 (b) The department shall prepare and make available on the  
14 department's Internet website statistical information concerning  
15 the total number of inmates who have at any time been in the  
16 conservatorship of a state agency responsible for providing child  
17 protective services.

18 SECTION 2. Section 511.009(a), Government Code, is amended  
19 to read as follows:

20 (a) The commission shall:

21 (1) adopt reasonable rules and procedures  
22 establishing minimum standards for the construction, equipment,  
23 maintenance, and operation of county jails;

24 (2) adopt reasonable rules and procedures

1 establishing minimum standards for the custody, care, and treatment  
2 of prisoners;

3 (3) adopt reasonable rules establishing minimum  
4 standards for the number of jail supervisory personnel and for  
5 programs and services to meet the needs of prisoners;

6 (4) adopt reasonable rules and procedures  
7 establishing minimum requirements for programs of rehabilitation,  
8 education, and recreation in county jails;

9 (5) revise, amend, or change rules and procedures if  
10 necessary;

11 (6) provide to local government officials  
12 consultation on and technical assistance for county jails;

13 (7) review and comment on plans for the construction  
14 and major modification or renovation of county jails;

15 (8) require that the sheriff and commissioners of each  
16 county submit to the commission, on a form prescribed by the  
17 commission, an annual report on the conditions in each county jail  
18 within their jurisdiction, including all information necessary to  
19 determine compliance with state law, commission orders, and the  
20 rules adopted under this chapter;

21 (9) review the reports submitted under Subdivision (8)  
22 and require commission employees to inspect county jails regularly  
23 to ensure compliance with state law, commission orders, and rules  
24 and procedures adopted under this chapter;

25 (10) adopt a classification system to assist sheriffs  
26 and judges in determining which defendants are low-risk and  
27 consequently suitable participants in a county jail work release

1 program under Article 42.034, Code of Criminal Procedure;

2 (11) adopt rules relating to requirements for  
3 segregation of classes of inmates and to capacities for county  
4 jails;

5 (12) require that the chief jailer of each municipal  
6 lockup submit to the commission, on a form prescribed by the  
7 commission, an annual report of persons under 17 years of age  
8 securely detained in the lockup, including all information  
9 necessary to determine compliance with state law concerning secure  
10 confinement of children in municipal lockups;

11 (13) at least annually determine whether each county  
12 jail is in compliance with the rules and procedures adopted under  
13 this chapter;

14 (14) require that the sheriff and commissioners court  
15 of each county submit to the commission, on a form prescribed by the  
16 commission, an annual report of persons under 17 years of age  
17 securely detained in the county jail, including all information  
18 necessary to determine compliance with state law concerning secure  
19 confinement of children in county jails;

20 (15) schedule announced and unannounced inspections  
21 of jails under the commission's jurisdiction using the risk  
22 assessment plan established under Section 511.0085 to guide the  
23 inspections process;

24 (16) adopt a policy for gathering and distributing to  
25 jails under the commission's jurisdiction information regarding:

26 (A) common issues concerning jail  
27 administration;

1 (B) examples of successful strategies for  
2 maintaining compliance with state law and the rules, standards, and  
3 procedures of the commission; and

4 (C) solutions to operational challenges for  
5 jails;

6 (17) report to the Texas Correctional Office on  
7 Offenders with Medical or Mental Impairments on a jail's compliance  
8 with Article 16.22, Code of Criminal Procedure;

9 (18) adopt reasonable rules and procedures  
10 establishing minimum requirements for jails to:

11 (A) determine if a prisoner is pregnant; and

12 (B) ensure that the jail's health services plan  
13 addresses medical and mental health care, including nutritional  
14 requirements, and any special housing or work assignment needs for  
15 persons who are confined in the jail and are known or determined to  
16 be pregnant; ~~and~~

17 (19) provide guidelines to sheriffs regarding  
18 contracts between a sheriff and another entity for the provision of  
19 food services to or the operation of a commissary in a jail under  
20 the commission's jurisdiction, including specific provisions  
21 regarding conflicts of interest and avoiding the appearance of  
22 impropriety; and

23 (20) establish procedures for collecting statistical  
24 information concerning the number of prisoners in each jail who  
25 have at any time been in the conservatorship of a state agency  
26 responsible for providing child protective services and making that  
27 statistical information publicly available.

1           SECTION 3. Section 511.0101(a), Government Code, is amended  
2 to read as follows:

3           (a) Each county shall submit to the commission on or before  
4 the fifth day of each month a report containing the following  
5 information:

6           (1) the number of prisoners confined in the county  
7 jail on the first day of the month, classified on the basis of the  
8 following categories:

- 9                   (A) total prisoners;
- 10                   (B) pretrial Class C misdemeanor offenders;
- 11                   (C) pretrial Class A and B misdemeanor offenders;
- 12                   (D) convicted misdemeanor offenders;
- 13                   (E) felony offenders whose penalty has been  
14 reduced to a misdemeanor;
- 15                   (F) pretrial felony offenders;
- 16                   (G) convicted felony offenders;
- 17                   (H) prisoners detained on bench warrants;
- 18                   (I) prisoners detained for parole violations;
- 19                   (J) prisoners detained for federal officers;
- 20                   (K) prisoners awaiting transfer to the  
21 institutional division of the Texas Department of Criminal Justice  
22 following conviction of a felony or revocation of probation,  
23 parole, or release on mandatory supervision and for whom paperwork  
24 and processing required for transfer have been completed;
- 25                   (L) prisoners detained after having been  
26 transferred from another jail and for whom the commission has made a  
27 payment under Subchapter F, Chapter 499, Government Code;

1 (M) prisoners for whom an immigration detainer  
2 has been issued by United States Immigration and Customs  
3 Enforcement; ~~and~~

4 (N) prisoners who have at any time been in the  
5 conservatorship of a state agency responsible for providing child  
6 protective services; and

7 (O) other prisoners;

8 (2) the total capacity of the county jail on the first  
9 day of the month;

10 (3) the total number of prisoners who were confined in  
11 the county jail during the preceding month, based on a count  
12 conducted on each day of that month, who were known or had been  
13 determined to be pregnant;

14 (4) the total cost to the county during the preceding  
15 month of housing prisoners described by Subdivision (1)(M),  
16 calculated based on the average daily cost of housing a prisoner in  
17 the county jail; and

18 (5) certification by the reporting official that the  
19 information in the report is accurate.

20 SECTION 4. The Commission on Jail Standards shall establish  
21 the procedures required by Section 511.009(a)(20), Government  
22 Code, as added by this Act, not later than January 1, 2014.

23 SECTION 5. A county shall submit the first report required  
24 by Section 511.0101(a), Government Code, as amended by this Act,  
25 not later than May 5, 2014.

26 SECTION 6. This Act takes effect September 1, 2013.